

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JAXON PASTORE

Plaintiff,

No. 20-cv-00913-WJ-GBW

v.

CATRON COUNTY COMMISSION OFFICE
BOARD OF COUNTY COMMISSIONERS;
IAN FLETCHER, Catron County Sheriff,
in his official and individual capacity;
KENNETH ADAIR, deputy-sheriff, in his
official and individual capacity,

Defendants.

MEMORANDUM OPINION AND ORDER
GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE
PROPOSED SECOND AMENDED COMPLAINT

THIS MATTER comes before the Court upon Plaintiff's Motion for Leave to File Proposed Second Amended Complaint, filed March 6, 2021 (**Doc. 43**). Having reviewed the parties' briefing and the applicable law, the Court finds that Plaintiff's motion is well-taken and, therefore, is granted.

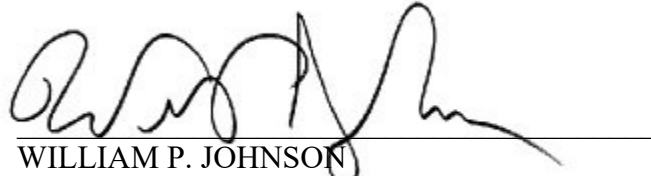
Plaintiff, who is proceeding *pro se*, requests leave of Court to amend his complaint by removing named defendants "Sheriff's Office" and "Catron County Commission Office Board of County Commissioners because they are not viable entities in a lawsuit, and substituting Board of County Commissioners of the County of Catron, pursuant to N.M.S.A. §4-46-1.¹ Because no response was filed, the Court considers the motion unopposed. *See* D.N.M.LR-Civ.7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed

¹ The First Amended Complaint names "Catron County sheriff" rather than "Sheriff's Office." *See* Doc. 22.

for doing so constitutes consent to grant the motion.”). Plaintiff’s motion is therefore GRANTED as to these specific amendments.

Plaintiff’s deadline for filing the Second Amended Complaint with these modifications is TWO WEEKS FROM THE DATE THIS ORDER IS ENTERED.

IT IS SO ORDERED.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE